

# United States Court of Appeals for the Fifth Circuit

---

No. 19-10754

---

RICHARD W. DEOTTE, *on behalf of* HIMSELF AND OTHERS  
SIMILARLY SITUATED; YVETTE DEOTTE; JOHN KELLEY; ALISON  
KELLEY; HOTZE HEALTH & WELLNESS CENTER; BRAIDWOOD  
MANAGEMENT, INCORPORATED, *on behalf of* ITSELF AND OTHERS  
SIMILARLY SITUATED,

*Plaintiffs—Appellees,*

*versus*

STATE OF NEVADA,

*Movant—Appellant.*

---

Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:18-CV-825

---

ON PETITION FOR REHEARING  
AND REHEARING EN BANC

Before HIGGINBOTHAM, SOUTHWICK, and ENGELHARDT, *Circuit  
Judges.*

PER CURIAM:

The petition for panel rehearing is DENIED.

No. 19-10754

Additionally, the court having been polled at the request of one of the members of the court and a majority of the judges who are in active service not having vote in favor, the petition for rehearing en banc is DENIED. *See* FED. R. APP. P. 35; 5TH CIR. R. 35.

In the en banc poll, eight judges voted in favor of rehearing (Richman, Jones, Smith, Elrod, Haynes, Ho, Duncan, and Oldham), and nine voted against rehearing (Stewart, Dennis, Southwick, Graves, Higginson, Costa, Willett, Engelhardt, and Wilson).

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

August 23, 2022

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 19-10754 DeOtte v. State of NV  
USDC No. 4:18-CV-825

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

*Charles Whitney*

By: \_\_\_\_\_  
Charles B. Whitney, Deputy Clerk  
504-310-7679

Ms. Elizabeth N. Dewar  
Mr. Charles William Fillmore  
Mr. Hartson Dustin Fillmore III  
Ms. Jessica Fuhrman  
Ms. Crystal Johnson Geise  
Ms. Susan Pearl Greenberg  
Ms. Claudia Hammerman  
Mr. Richard Brian Katskee  
Ms. Jamie A. Levitt  
Ms. Melina Maria Meneguini Layerenza  
Mr. Jonathan F. Mitchell  
Ms. Karen S. Mitchell  
Mr. Craig A. Newby  
Mr. Bruce H. Schneider  
Ms. Priscilla Joyce Smith  
Mrs. Heidi Parry Stern  
Ms. Catherine Weiss